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P.O. Box 270
Fredericksburg, VA 22404
540-361-1863 (Phone)
919-361-0734 (Fax)
steve@ppglaw.com

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OFFICE OF PETITIONS

To: Office of Petitions **From:** Steven M. duBois (540-361-1863)

Fax: 1-571-273-8300 **Date:** August 25, 2010

Phone: **Pages:** 7 (including cover page)

Re: U.S. Application No. 10/534,343 **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

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Doc Code: TRAN.LET

Document Description: Transmittal Letter

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PTO/SB/21 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 6

Application Number

10/534,343

Filing Date

2005-07-18

OFFICE OF PETITIONS

First Named Inventor

Anthony Spencer

Art Unit

2474

Examiner Name

Abdullah Riyami

Attorney Docket Number

0120-032

ENCLOSURES (Check all that apply)

- Fee Transmittal Form
 Fee Attached
 Amendment/Reply
 After Final
 Affidavits/declaration(s)
 Extension of Time Request
 Express Abandonment Request
 Information Disclosure Statement
 Certified Copy of Priority Document(s)
 Reply to Missing Parts/
Incomplete Application
 Reply to Missing Parts
under 37 CFR 1.52 or 1.53

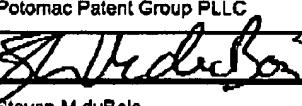
- Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation
 Change of Correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____
 Landscape Table on CD

Remarks

- After Allowance Communication to TC
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Other Enclosure(s) (please identify below):
Petition to Correct Potential Errors
Credit Card Payment Form

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name | Potomac Patent Group PLLC

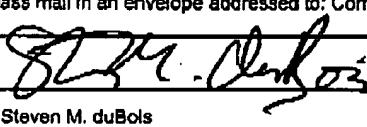
Signature | 

Printed name | Steven M. duBols

Date | August 25, 2010 | Reg. No. | 35,023

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature | 

Typed or printed name | Steven M. duBols

Date | August 25, 2010

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-08)

Approved for use through 09/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2009

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **2150.00**

Complete if Known

Application Number	10/634,343
Filing Date	2005-07-18
First Named Inventor	Anthony Spencer
Examiner Name	Abdulla Riyami
Art Unit	2474
Attorney Docket No.	0120-032

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OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number 50-7248 Deposit Account Name: PPG

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	330	165	540	270	220	110	_____
Design	220	110	100	50	140	70	_____
Plant	220	110	330	165	170	85	_____
Reissue	330	165	540	270	650	325	_____
Provisional	220	110	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
- 20 or HP =	x	=			52	26
HP = highest number of total claims paid for, if greater than 20.					220	110
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		390	195

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

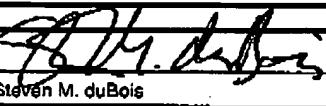
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Correct Errors in Entity Status

Fee Paid (\$)

\$2150.00

SUBMITTED BY

<u>Signature</u>		Registration No. (Attorney/Agent) <u>35029</u>	Telephone <u>540-361-1863</u>
Name (Print/Type)	<u>Steven M. duBois</u>		Date <u>August 25, 2010</u>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent
Attorney's Docket No. 0120-032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	RECEIVED
Anthony SPENCER)	Confirmation No. 4839 SEP 07 2010
Application No.: 10/534,343)	Group Art Unit: 2474 OFFICE OF PETITIONS
Filed: July 18, 2005)	Examiner: Abdulla A. Riyami
For: PACKET STORAGE SYSTEM)	
FOR TRAFFIC HANDLING)	

PETITION UNDER 37 C.F.R. §1.28(c) TO CORRECT POTENTIAL ERRORS
ASSOCIATED WITH SMALL ENTITY STATUS

Mail Stop Petitions
 Commissioner for Patents
 Alexandria, VA 22313-1450

Sir:

A license agreement associated with the above-identified application/patent having an effective date of August 3, 2007, may have triggered a change in status of the Assignee from small entity to large entity. The fees identified in the following itemized chart, as provided for by 37 C.F.R. §1.28(c)(1) and §1.28(c)(2), are enclosed in order to address the possibility that small entity fees were paid erroneously.

The itemization required by 37 C.F.R. §1.28 (c)(2) is provided below.

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Attorney's Docket No. 0120-032
U.S. Application No. 10/534,343
Page 2

Paper Filed	Dated Filed	Small Entity Fee Previously Paid	Current Large Entity Fee	Amount Due
Extension of Time (2x)	12/10/2008	\$245	\$490	\$245
Extension of Time (1x)	07/20/2009	\$65	\$130	\$65
Appeal Brief	11/16/2009	\$270	\$540	\$270
Notice of Appeal	12/10/2009	\$270	\$540	\$270
Extension of Time (3x less 1x previously paid)	12/10/2009	\$490	\$980	\$490
Petition to Revive	12/10/2009	\$810	\$1620	\$810
Subtotal Due:				\$2150

The total potential deficiency associated with U.S. Application No. 10/534,343 is submitted herewith via a Credit Card Payment form. It is believed that no fee is required for processing of this petition. If however, a fee is required, the Office is authorized to deduct such fee from Deposit Account No. 50-7248.

The establishment of small entity status in this application/patent was made in good faith, and all of the small entity fees paid in this application/patent were submitted in good faith. In addition, all of the requirements of 37 C.F.R. § 1.28(c) have been fulfilled. Thus, it is respectfully requested that this petition be GRANTED and that a notice to that effect be returned to the undersigned.

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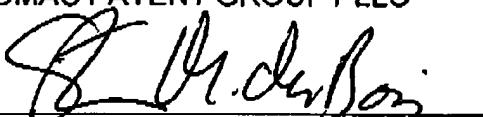
OFFICE OF PETITIONS Attorney's Docket No. 0120-032
U.S. Application No. 10/534,343
Page 3

Should any questions arise regarding this petition or the application in general,
please contact the undersigned at (540) 361-1863.

Respectfully submitted,

POTOMAC PATENT GROUP PLLC

By:



Steven M. duBois

Registration No. 35,023

Date: August 25, 2010

Potomac Patent Group, PLLC
P.O. Box 270
Fredericksburg, VA 22404
(540) 361-1863